

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: N/A Art Unit: 1646

Filed: 4 March 2002 Examiner: MERTZ, P.

For: DNA ENCODING ISOFORMS OF THE HUMAN VANILLOID  
RECEPTOR VR3



Assistant Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

- ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first

Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ORT-XXXX/JWW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ORT-XXXX/JWW the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith, EXCEPT THAT:

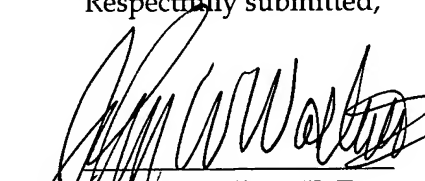
- ☒ Since all references cited on the attached form PTO-1449 are of record in the Parent Application Serial No.: 09/500,123, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☒ If any of the foregoing publications are not available to the Examiner,  
Applicant will endeavor to supply copies at the Examiner's request.

- ☐ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications that may be deemed relevant which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT-1601/JWW. This form is submitted in triplicate.

Respectfully submitted,



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DATE: 4 March 2002

<b>SUBMISSION UNDER MPEP 609 D</b>  Page 1 of 1	Application Number	N/A
	Filing Date	4 March 2002
	First Named Inventor	DUBIN
	Group Art Unit	1646
	Examiner Name	MERTZ, P.
	Attorney Docket Number	ORT-1601

11002 U.S. Pat.  
 10/090215



### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	U.S. Patent Document		Pages, Columns, Lines, where relevant passages or relevant figures appear
			Number	Kind Code <sup>2</sup> (if known)	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
			Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>		
		SMITHKLINE BEECHAM PLC		WO 99/37765			

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Bevan et al., "Capsazepine: A Competitive Antagonist of the Sensory Neurone Excitant Capsaicin", <i>Br. J. Pharmacol.</i> , (1992) 107:544-552.	
		S. Bevan and J. Szolcsanyi, "Sensory Neuron-Specific Actions of Capsaicin: Mechanisms and Applications", <i>TIPS</i> (August, 1990) Vol. 11.	
		Caterina et al., "A Capsaicin-Receptor Homologue with a High Threshold for Noxious Heat", <i>Letters to Nature</i> , (1999) 398.	
		P. D. Gupta and K. Pushkala, "Importance of the Role of Calcium in Programmed Cell Death: A Review", <i>Cytobios</i> (1999) 99:83-95.	
		Leeman et al., "Substance P and Related Peptides: Cellular and Molecular Physiology", <i>Ann. N.Y. Academy of Sciences</i> , (1991) 632.	
		B. Minke and Z. Selinger, "The Roles of TRP and Calcium in Regulating Photoreceptor Function in Drosophila", <i>Neurobiology</i> (1996) 6:459-466.	
		Oh et al., "Capsaicin Activates a Nonselective Cation Channel in Cultured Neonatal Rat Dorsal Root Ganglion Neurons", <i>J. Neurosciences</i> , (1996) 16(5): 1659-1667.	
		M. D. Szallasi, "ARPAD: Autoradiographic Visualization and Pharmacological Characterization of Vanilloid (Capsaicin) Receptors in Several Species Including Man", <i>ACTA Physiologica Scandinavica</i> , (1995) Supplement. 629, Stockholm, Sweden.	
		J. Szolcsanyi, "Capsaicin-Sensitive Sensory Nerve Terminals with Local and Systemic Efferent Functions: Facts and Scopes of an Unorthodox Neuroregulatory Mechanism", <i>Progress in Brain Research</i> , (1996) 113.	
		Tominaga et al., "The Cloned Capsaicin Receptor Integrates Multiple Pain- Producing Stimuli", <i>Neuron</i> (1998) 21:531-543.	
		Wood et al., "Capsaicin-Induced Ion Fluxes in Dorsal Root Ganglion Cells in Culture", <i>J. Neuroscience</i> (1988) 8(9): 3206-3220.	

Examiner Signature		Date Considered	
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